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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005) of 24 March 2005, in which the Council requested me to keep it regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report provides an assessment of the overall situation in the country, including progress made in implementing the Comprehensive Peace Agreement, as well as progress achieved towards the mandated objectives of UNMIS since my previous report to the Council, dated 23 June 2005 (S/2005/411).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. The implementation of the Comprehensive Peace Agreement was put to a severe test when the First Vice-President, John Garang, died on 30 July in a helicopter crash near New Cush, southern Sudan. The days following the announcement of Mr. Garang's death were marked by serious violence in Khartoum and several other locations including Juba and Malakal in southern Sudan. The violence resulted in a significant number of deaths, arson and damage to property. In the days that followed, the Sudan People's Liberation Movement (SPLM) took swift action to confirm Salva Kiir as its new Chairman. President Omar al-Bashir, Mr. Kiir and a number of other Sudanese and world leaders made statements appealing for calm and unity. By the time the funeral of Mr. Garang was held in Juba on 6 August, the tense atmosphere had dissipated somewhat. The caretaker Government later established committees to investigate both the helicopter crash and the violence. UNMIS responded to Government and SPLM requests for logistical and technical assistance when the crisis first broke and in the lead-up to the funeral. It will continue to offer logistical support, within its operational capabilities.

3. Earlier in the reporting period, President Bashir, the late First Vice-President Garang and Vice-President Ali Osman Taha were sworn in on 9 July. The President issued a decree on the same day to establish a caretaker Government, pending the establishment of the Government of National Unity. The new Interim National

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Constitution was also signed by President Bashir on that day, and the state of emergency was lifted in all States except Darfur, Kassala State and Red Sea State. Local states of emergency were imposed after the death of Mr. Garang, but they were in line with the new interim constitution, rescinded once the violence subsided.

4. Following the tragic loss of First Vice-President Garang, Salva Kiir was sworn in as First Vice-President of the Sudan on 11 August. During the inauguration ceremony for Mr. Kiir, President Bashir vowed to join hands with SPLM to continue working towards "harmony and co-existence". The new First Vice-President pledged to continue the vision of the late SPLM leader, vowed to work towards making unity attractive for all southerners over the interim period, and called for the inclusion of all Sudanese political forces within the Comprehensive Peace Agreement. On 19 August, Riek Machar was appointed Vice-President of Southern Sudan in accordance with SPLM succession procedures.

5. The death of Mr. Garang has led to understandable delays in the implementation of the Comprehensive Peace Agreement including the appointment of the Council of Ministers, which was to have been completed by 9 August. Within the current caretaker Government, there have been some reports of tension between the parties over portfolios and prolonged delays over the allocation of the key "sovereign" and economic ministries. At the same time, many commissions and committees anticipated in the Comprehensive Peace Agreement, spanning areas like human rights and the civil service, remain to be created. It is important that these bodies be established without further delay.

6. During the Naivasha negotiations many of the issues not resolved by the Comprehensive Peace Agreement were placed in the hands of the collective Presidency (comprising the President and the two Vice-Presidents), and it is on the Presidency that their resolution now depends. So far, while the Presidency has held a number of meetings, it has not yet begun to offer the kind of high-level resolution of conflicts expected of it.

7. While the Government of National Unity remains to be finalized, the two chambers of the national legislature, the National Assembly and the Council of States, were inaugurated on 31 August. Three pieces of legislation were introduced for review and approval by the National Assembly: the Bank of Sudan Act, the Constitutional Court Act, and the Judicial Service Commission Act. I am encouraged by this development and congratulate the parties on achieving this milestone.

8. The United Nations and a number of international partners have agreed to provide technical support to help set up the key commissions to assist with the implementation of the Comprehensive Peace Agreement. In a very important step forward, President Bashir on 30 August established the Ceasefire Political Commission, whose functions will include, inter alia, supervising, monitoring and overseeing the implementation of the Agreement, as well as providing a political forum for continuous dialogue between the parties and the international community. Urgent action is now required to establish the Assessment and Evaluation Commission, whose mandate and composition are currently being reviewed by the Presidency.

9. Among other positive developments related to the Comprehensive Peace Agreement, the Government and SPLM are now nominating officers to form the

Joint Integrated Units, the military units that will form the nucleus of the future Sudanese National Armed Forces, should the result of the self-determination referendum confirm the unity of the country. There are also encouraging signs that political parties which were not signatories to the Agreement, including the National Democratic Alliance, are ready to participate in the Government of National Unity.

10. In the south, the legislative council of SPLM was dissolved on 18 July and a caretaker administration was established to remain in place until a constitution for southern Sudan has been ratified and a new government inaugurated. On 27 August, the Southern Sudan Constitutional Drafting Committee was established to examine and adopt the draft the southern Sudanese constitution based on the Comprehensive Peace Agreement and the Interim National Constitution. The process of adopting the new southern Sudanese Constitution is expected to be completed by early October, leading to the establishment of the Southern Sudan Assembly.

11. A south-south dialogue meeting facilitated by the Moi Africa Institute was convened in Nairobi on 30 June to bring together senior SPLM/A security officials and commanders of various militia groups active in southern Sudan. For the first time since the 1991 SPLM/A split, more than 60 senior military commanders from both SPLM/A and other armed groups gathered under the chairmanship of Mr. Garang. The meeting was, however, unable to resolve the issue of fundamental differences between the Southern Sudan Defence Force and SPLM/A. Later in the reporting period, Major General Paulino Matip, leader of the Southern Sudan Defence Force, sent encouraging signals following Mr. Kiir's accession to the leadership of SPLM/A and his inauguration as First Vice-President. For his part, Mr. Kiir expressed readiness to discuss outstanding issues with the Southern Sudan Defence Force, including those yet to be resolved by the south-south dialogue. It is anticipated that the south-south dialogue itself will resume in Khartoum in September.

12. On 14 July, the Abyei Boundaries Commission, established under the Comprehensive Peace Agreement to define and demarcate the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905, presented its report to the Presidency. The decision of the Commission prompted protests from some members of the Misseriya tribe. UNMIS has been in contact with all parties in both Khartoum and Abyei to ensure that the resolution of the Abyei question is concluded on the basis of the Comprehensive Peace Agreement. UNMIS has also increased the number of military observers, United Nations police, and civilian staff in Abyei and my Special Representative, Jan Pronk, has undertaken a number of initiatives to reduce tension in the area. The Presidency is currently discussing the Commission's report, which it has yet to publish. It is fully aware of the wider implications of the Abyei question, which will set a precedent for how differences arising under the Comprehensive Peace Agreement are handled.

13. On 4 August, President Bashir issued a provisional order to promulgate a decree on the organization of humanitarian and voluntary work. The decree directly affects the exercise of fundamental freedoms, including the freedom of association protected in the Comprehensive Peace Agreement, the Constitution, and international human rights instruments ratified by the Sudan. The decree provides wide powers to the Ministry of Humanitarian Affairs and the Humanitarian Affairs Commission to oversee and control the activities of national and international non-governmental and civil society organizations. The decree requires, inter alia, non-

governmental organizations, international non-governmental organizations and other groups existing before the entry into force of the decree to re-register, and does not provide for independent or judicial review of decisions on issues such as cancellation or refusal of registration. It will be important and necessary that the provisional order be submitted to the National Assembly as soon as it convenes in accordance with article 109 (1) of the Interim National Constitution, to ensure that it is in accordance with international human rights standards.

Darfur

14. As stated in my report on Darfur dated 11 August 2005 (S/2005/523), the Government of the Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) adopted a Declaration of Principles at Abuja on 5 July 2005. The Declaration contains important provisions regarding the shape of future negotiations on matters such as unity, power- and wealth-sharing, security arrangements, and land use and ownership. It was favourably received in Darfur, despite some reservations related to tribal land rights, the future Darfur-Darfur dialogue, and security. The Declaration was an important milestone and created political momentum for the Abuja process by providing an outline for a peace agreement for discussion at the next round of talks.

15. In an effort to obtain the agreement of the parties on a number of procedural issues pertaining to the next round of talks, the African Union mediator for the Darfur peace talks, Salim Ahmed Salim, organized a meeting in Dar es Salaam from 21 to 23 August with the Government of the Sudan, JEM and SLM/A. The consultations also addressed a request by the Secretary-General of SLM/A, Mini Arkoy Minawi, and by Chad, to postpone the next round of talks, originally scheduled for 24 August, so as to allow SLM/A to harmonize the views of its military and political leadership at a conference.

16. The next round of talks is now scheduled to open in Abuja on 15 September. UNMIS is exploring ways to further support the African Union, both substantively and through the provision of logistical support for participants attending the talks. Divisions within the rebel movements, particularly SLM/A, are likely to be a challenge during the talks. I strongly urge SLM/A to resolve its internal differences and to attend the sixth round of talks prepared to negotiate and reach agreement on the relevant substantive issues.

III. Implementation of the UNMIS mandate

Political support and conflict reconciliation

17. Pursuant to paragraph 3 of resolution 1590 (2005), UNMIS has provided good offices and political support for a number of efforts to resolve ongoing conflicts in the Sudan. In addition to regular meetings with senior officials of the Government of the Sudan, SPLM/A and the caretaker Government, a number of meetings were held with leading opposition groups in an effort to encourage wider participation in the peace process. Following a new eruption of violence in the eastern Sudan in June, UNMIS undertook several visits both to the east and to Asmara for discussions with the Eastern Front leadership. Despite the general willingness shown by the two sides to enter into talks, progress has been slow and the Government and the Eastern Front have yet to conduct their first face-to-face meeting. UNMIS remains in

contact with both sides with a view to securing, as early as possible, a date for the first round of talks. With regard to the conflict in Darfur, UNMIS, in support of the work of the African Union, has met with political and military commanders of both armed movements, to encourage cohesion within and between them and to urge both the swift resumption of the Abuja talks and the need for them to be flexible in negotiations.

18. As part of the UNMIS mandate to support reconciliation and efforts to resolve ongoing conflicts pursuant to paragraphs 4 (a) (vi) and 3, respectively, of resolution 1590 (2005), UNMIS staff in Khartoum, Juba, Wau, Malakal, Kadugli, Ed-Damazin, Abyei and Kassala are concentrating on monitoring the implementation of the Comprehensive Peace Agreement; promoting social reconciliation and encouraging dialogue in relevant areas; identifying the needs of the new public administration; and helping to defuse tensions, especially after the death of First Vice-President Garang. UNDP is supporting State- and county-level public administration through technical assistance and in-service training.

19. UNMIS staff in El Fasher, Nyala, El Geneina and Zalingei are supporting the reconciliation process in Darfur in several ways. UNMIS staff monitor the Government-sponsored tribal reconciliation process and together with the Office for the Coordination of Humanitarian Affairs and African Union Mission in the Sudan (AMIS) police, facilitate dialogue between internally displaced persons and local police. The Mission also maintains contact with a broad range of civil society organizations in Darfur, encouraging them to support the Abuja process. UNDP and academic institutions in Darfur contribute to the reconciliation programme through a rule of law seminar series fostering dialogue on the rule of law and peaceful conflict resolution.

Liaison with the African Union Mission in the Sudan

20. UNMIS liaises closely with the African Union Mission in Sudan, through regular contacts with the Special Representative in the Sudan of the African Union Commission Chairperson, Baba Gana Kingibe, as well as through its constant presence, increasing joint activities on the ground in Darfur and periodic meetings with the AU leadership in Addis Ababa. Additionally, the United Nations Assistance Cell to the African Union, based in Addis Ababa, helps support the African Union in planning and providing technical advice for AMIS and works closely with other partners to facilitate the African Union Commission's efforts to secure required resources and other support needs for AMIS.

21. As part of this ongoing support for AMIS, the AU Commission and the United Nations, with the participation of the European Union, the United States of America and NATO partners, successfully undertook a map exercise with AMIS personnel in Darfur. The exercise, which was managed from AMIS force headquarters in El Fasher and ran from 18 to 27 August, had four objectives: to strengthen command and control of AMIS headquarters, to improve the ability of the AU force to deploy to maximum effect, to support the integration of the different components of the AU Mission, and to support contingency planning.

22. Other efforts to foster peace in Darfur through assistance to AMIS are being reinforced, in particular in the field of policing, human rights and rule of law. UNDP, the Office of the United Nations High Commissioner for Human Rights, UNICEF, UNFPA and UNMIS will jointly implement a comprehensive training

programme for all AMIS forces on human rights, the rule of law, sexual and gender-based violence, and codes of conduct.

Status-of-forces agreement

23. As I stated in my last report, UNMIS has been engaged in active consultations with the parties on a status-of-forces agreement. Despite earlier optimism and pledges by both parties to cooperate with UNMIS on this issue, those consultations with a joint committee of the two parties have not yet concluded in an agreement. While the discussions have addressed a number of important issues, others remain to be resolved. They include the key issues of full and unrestricted freedom of movement for UNMIS, which is imperative for the fulfilment of its mandate and was previously agreed between the parties in the Comprehensive Peace Agreement.

24. In addition, the Government has been reluctant to accept some major operational requirements of the Mission, which are in accordance with the established practices and principles of peacekeeping, in particular with respect to the self-registration of UNMIS vehicles. The Government has also objected to the status of locally recruited staff of UNMIS, and to the relevant privileges and immunities provided under the Convention on the Privileges and Immunities of the United Nations of 1946, from which the Government now wishes to deviate. This delay is a matter of serious concern as it negatively affects the deployment of the Mission and the implementation of its mandate. Recently, the Minister for Foreign Affairs of the Sudan, at a meeting with my Special Representative, committed himself to help solve these issues. I therefore urge both parties, and the Government in particular, to conclude the status-of-forces agreement.

25. Further to the provisions of paragraph 8 of resolution 1590 (2005), on 16 May, UNMIS approached the Governments of Kenya and Uganda with proposed transit arrangements for the free, unhindered and expeditious movement to the Sudan of UNMIS personnel and equipment. Since then, there have been discussions on such arrangements with Uganda, which appear close to finalization. It is hoped that a memorandum of understanding can be quickly finalized with Kenya.

Military deployment and activities

26. The deployment of UNMIS military elements has progressed slowly but steadily. With the recent deployment of the Bangladeshi Sector headquarters and composite group, UNMIS has achieved initial operating capability in Juba (Sector I), which is now the political centre of southern Sudan. The Italian-led standby high-readiness force headquarters company is fully operational and providing security to the UNMIS headquarters in Khartoum. As at 5 September 2005, a total of 2,309 military personnel were deployed in the mission area, including 153 military staff officers, 145 military observers and 2,011 troops.

27. As indicated in previous reports, mounting this large and complex operation in a vast country like the Sudan is a major challenge. A number of factors have delayed deployment in the Mission's area of responsibility. The rainy season has proved to be as difficult a factor for operations as was feared. Some contractors have been unable to meet their deadlines for the delivery of goods and services, including construction materials and the preparation of tented camps. Some troop-contributing countries have not been able to meet the deployment plans. In some cases, the Government delayed providing land for military camps, while the SPLM/A

authorities were slow to respond positively on the issue of land allocation for UNMIS.

28. While the force headquarters and the integrated support services reached operational readiness roughly on schedule, the delays described above retarded the deployment of protection and enabling forces in the seven operational sectors. This left some sectors without the security and medical coverage that is required to deploy substantial numbers of military observers, police and civilian personnel.

29. Since timely deployment is critical to the ability of UNMIS to support the implementation of the Comprehensive Peace Agreement, the Mission reconfigured parts of its deployment plan and encouraged troop-contributing countries to meet the new schedule. After reviewing the security and safety conditions, and after the selective deployment of commercial medical teams, UNMIS was able to deploy military observers into some sector headquarters locations, thereby achieving the early establishment of a full-time presence in critical areas.

30. On the basis of political and operational priorities, UNMIS has established a full-time military observer presence in Juba (Sector I), Wau (Sector II), Malakal (Sector III), Kadugli (Sector IV), Ed-Damazin (Sector V), Abyei (Sector VI) and Kassala (redeployment coordination headquarters). Kenya (Sector II), India (Sector III), Egypt (Sector IV), Pakistan (Sector V) and Zambia (Sector VI) are now expected to deploy their sector headquarters and composite groups (including limited force protection elements) and to establish initial operating capability by the end of September. Critical assets from the Russian Federation and China are also urgently required. Given that the deployment of UNMIS military personnel is still ongoing and that all mandated military tasks remain to be accomplished, it is believed that the mandated strength of the military component should remain for the time being at the level set by the Security Council in resolution 1590 (2005).

31. In accordance with paragraph 4 (a) of resolution 1590 (2005), UNMIS has begun monitoring the movement of armed groups and the redeployment of forces in its operational area. Initially, the parties expressed some difficulties in collating the information regarding movements of military units required for the United Nations to carry out its mandated monitoring, but that information is now being made available. At a recent meeting of the Ceasefire Joint Military Committee, established under the Comprehensive Peace Agreement and chaired by the UNMIS Force Commander, SPLA declared movements of 4,344 personnel for the period from 9 January to 29 August 2005, information that the Mission is now verifying. The largest of those SPLA redeployments was the movement of approximately 600 troops into Juba immediately prior to the funeral of Mr. Garang to perform both security and ceremonial duties in close cooperation with the Sudanese Armed Forces. The SPLA troops then remained in Juba and will become part of the eventual Juba Joint Integrated Unit.

32. Following the signature of the Comprehensive Peace Agreement on 9 January 2005, the Sudanese Armed Forces provided some preliminary information on the location of their forces, but the information remains insufficient. They have reported the reduction of their force level by 17 per cent in southern Sudan, though this cannot yet be verified, since the movements were not declared and thus not monitored. The parties have been clearly informed that such reductions or movements of troops should be declared beforehand to enable UNMIS to monitor them. Indeed, unilateral decisions to move troops, unmonitored, are in technical

violation of the Comprehensive Peace Agreement. At a recent meeting of the Ceasefire Joint Military Committee, the Sudanese Armed Forces provided information of their intention to move eight companies. Future movements will be monitored by United Nations military observers.

33. The first fully monitored redeployment of forces occurred on 3 and 4 September 2005, when 993 SPLA troops moved from Kassala to Khartoum with their weapons and equipment to make up the future Khartoum Joint Inspection Unit, known as the Khartoum Independent Brigade. SPLA had attempted to move the troops and their heavy weapons just before the 9 July inauguration ceremonies, but lack of prior liaison with the Sudanese Armed Forces and disagreement on heavy weapons delayed the move. The Joint Defence Board, crucial for the establishment, organization, doctrine and training of Joint Inspection Units, is also expected to be created shortly by presidential decree now that both parties have made their respective nominations.

34. In addition to troop redeployments, the Ceasefire Joint Military Committee has discussed other key issues, including the formation of joint inspection units, the structure of the Area Joint Military Committees, the situation concerning "other armed groups", the release of prisoners, and the issue of child soldiers. Given the threat of food insecurity around Juba that resulted from the unrest following Mr. Garang's death, the parties also agreed to prioritize the joint demining and installation of bridges needed to open the road from Yei to Juba.

35. The Ceasefire Joint Military Committee has also discussed the provision of Sudanese Armed Forces/SPLA national liaison officers for the Joint Monitoring Teams. The parties have not yet fully established this aspect of the verification and monitoring mechanism laid out in the security arrangements set out in the Comprehensive Peace Agreement. The Sudanese Armed Forces and SPLA have acknowledged this and explained that they are not able to provide the national liaison officers with the necessary logistical and financial support to carry out their tasks. The issue will be referred to the newly established Ceasefire Political Commission for resolution. In the meantime, the Mission is approaching several Member States to see if they would be prepared to provide the parties with the necessary financial support, either bilaterally or through a United Nations-administered trust fund. This arrangement will also apply to a much smaller number of national police liaison officers.

36. The Verification and Monitoring Team that has been operating under the operational control of UNMIS since 24 March 2005 progressively scaled down its operations in southern Sudan and finally closed down its operations in the Malakal sector on 28 August. The Team performed its tasks effectively and was able to build confidence among the parties and local population in its area of operations.

Disarmament, demobilization and reintegration

37. The United Nations has taken a range of measures, pursuant to paragraph 4 (a) (iv) of resolution 1590 (2005), to assist in the establishment of a disarmament, demobilization and reintegration programme as called for in the Agreement. The Sudanese authorities, with support from the United Nations, are actively establishing structures for national policy coordination and the implementation of such a programme in the north and south. The interim disarmament, demobilization and reintegration authorities in the north and south have also made some progress in

the identification of field offices and deployment of staff in all the priority regions and States. This process is scheduled to be completed by the end of September 2005.

38. The interim authorities are also currently engaged in putting in place the modalities for implementation of an interim disarmament, demobilization and reintegration programme with the support of UNMIS, UNDP and UNICEF. The programme is designed to commence with the special needs of children, women and the disabled associated with the various armed forces and militia and the preparation of a comprehensive programme for other adult combatants from the consolidated forces as spelled out in the Comprehensive Peace Agreement. The programme already has the support of a number of key bilateral donors. Formal approval of the programme by the new Government of National Unity and the Government of Southern Sudan is expected this month, to be followed by resource mobilization and implementation.

Police

39. As at 5 September, a total of 86 United Nations police officers were inducted in the Mission area. While the number remains below that originally expected for this stage of the operation for the reasons stated above, UNMIS police now have a forward headquarters in Juba and a presence in six sectors. One additional senior police adviser has been assigned to the United Nations Assistance Cell to the African Union in Addis Ababa to reinforce the police advisory support.

40. A strategic plan for police development and training is being prepared pursuant to paragraph 4 (a) (vii) of resolution 1590 (2005). In view of the importance of police development requirements, bilateral and multilateral assistance programmes must be coordinated and integrated to achieve maximum results at this critical juncture of peace stabilization. United Nations police in the Sudan are coordinating with all stakeholders to ensure the integration of the police development process and the establishment of a network of police stations in southern Sudan. Despite the current deployment delays, the UNMIS police field presence, together with UNDP, has successfully completed training courses for Government of the Sudan police in Kadugli and Juba and more courses are planned for implementation with police in both the north and the south. A short course for senior police officers has been undertaken in Sector IV. These training sessions have been well received by all participants. A UNDP capacity-building programme for the police in the south has also recently been endorsed by SPLM.

41. Following the disturbances in Khartoum, United Nations police observers carried out monitoring patrols in the capital with the agreement of the local police. In the meantime, discussions have taken place with senior Government police officers on future training activities to help improve public order management, strategy and tactics.

Public information

42. In order to assist the parties in promoting understanding of the peace process and the role of UNMIS, the Mission has published a simplified version of the Comprehensive Peace Agreement, together with detailed information on the UNMIS mandate. Public information staff are engaged in a programme to raise public awareness of the Mission's roles and functions requested by the parties in the Agreement, as well as its mandate under Security Council resolution 1590 (2005).

43. While there have been some efforts by the parties to disseminate the Comprehensive Peace Agreement, neither party has initiated a public campaign to explain the document to the public. Consultations with the Joint Media Commission, in which both parties are represented, were initiated in May to determine additional assistance that UNMIS can provide for public dissemination and explanation of the Agreement. It will be necessary for both parties to actively work to ensure that the document is widely distributed and its implications understood by the Sudanese population.

44. UNMIS Radio is scheduled to start six hours a day of information broadcasting in October. Broadcasting of news and information, discussion programmes and music in Arabic and colloquial "Juba" Arabic will start in Khartoum and be relayed to Juba. Translation of information programming into local languages is expected to commence slightly later. Twenty radio producers have completed recruitment and training in Khartoum and a similar number are undergoing recruitment and training for work in the south.

45. UNMIS has also started to disseminate a twice-monthly newsletter in Arabic and English, circulated widely in the Mission's area of responsibility, to universities, the diplomatic community, non-governmental organizations and civil society organizations, as well as caretaker Government offices.

46. As requested in paragraph 4 (v) of resolution 1590 (2005), UNMIS maintains regular contact with the AMIS public information office. UNMIS has offered support and contacts with local Sudanese media outlets to assist AMIS in conducting media tours of their operations and activities in Darfur.

Humanitarian assistance

47. The traditional "hunger gap", which peaks this month, has forced a growing number of people to rely on humanitarian assistance during the past 90 days. This was however partially offset by increased outreach by humanitarian agencies and an increase in United Nations agency presence. In Darfur, the humanitarian community, made up of more than 12,500 aid workers, 13 United Nations agencies and 81 international non-governmental organizations on the ground, has been assisting an ever-increasing number of affected people, including close to 2 million internally displaced persons. Despite heavy rains in the south, humanitarian assistance to the most vulnerable has continued and increased, particularly for areas of concern such as northern Bahr el Ghazal, where returns have further exacerbated food shortages. WFP has correspondingly increased food distribution, delivering food assistance to over 1 million beneficiaries in July and increasing the number of food drop locations in the region. As expected, impassable roads, increases in prices, and a difficult operating environment related to the rains have hindered operations. In addition, crippling shortages of jet fuel and persistent funding shortfalls for air operations have severely constrained air support for food and non-food deliveries. The Government has been urged repeatedly to make additional jet fuel available, as have donors to provide urgent funding.

48. United Nations agencies have advanced in the process of consolidating their southern operations and will move management functions from Rumbek to Juba as the Government of Southern Sudan is established in the city. Non-governmental organizations still based in Nairobi are being urged to move their base of operations to southern Sudan. These efforts, together with increased support and capacity-

building programmes for the caretaker Government of Southern Sudan and the Sudan Relief and Recovery Commission, and United Nations-facilitated collaboration between the humanitarian units of the caretaker Governments of the Sudan and Southern Sudan, have resulted in a number of joint assessments and policy meetings. New joint guidelines on the movement of humanitarian personnel throughout the Sudan have contributed to easing humanitarian access to southern Sudan, although security issues continue to hinder the delivery of humanitarian aid.

49. In the eastern Sudan and the three transitional areas of Abyei, Nuba Mountains and southern Blue Nile, the overall situation is calm although localized tensions persist. Access to Hameshkoreb in Kassala State — inaccessible for security reasons since 2000 — is of urgent concern as one case of polio has recently been reported in the area and humanitarian partners have been prevented from undertaking much-needed humanitarian assessments. I urge the parties involved to allow humanitarian actors, in particular the polio vaccination campaigns, unhindered access to the populations in need.

Returns

50. As expected, population returns slowed considerably during the rainy season. The United Nations has taken advantage of the lull to complete plans for assistance to spontaneous returns and to advance its preparations for the coming return season (October 2005-May 2006). In all, 23 way stations will be set up to support spontaneous returns in selected locations along return routes, six of them to be completed before the end of the rains (by 30 September).

51. Plans are also well advanced to support facilitated returns. In addition to the operational mechanisms supporting spontaneous movements, three additional activities are planned for facilitated returns: registration, transport assistance and establishing a categorization system for areas of return. Registration is required to identify those internally displaced persons who wish to return, both to provide them with some assistance in returning and as a protection mechanism. Transport assistance will be provided to those who meet the eligibility criteria from the place of displacement. In most cases this can be provided through a subsidy to be used to take advantage of existing commercial means of transport. The categorization of areas of return, based on criteria developed by UNHCR, is important to identify areas suitable for the United Nations to promote returns, and to ensure a consistent United Nations policy for all returns.

Protection of civilians

52. The protection of civilians remains a concern throughout the Sudan. The United Nations continues to pay particular attention to vulnerable groups, with a special focus on displaced and returning populations. At the same time, the United Nations, pursuant to paragraph 4 (d) of resolution 1590 (2005), will increase its cooperation with the authorities and with national and international agencies and non-governmental organizations to ensure that all types of action to address protection problems receive adequate attention and are interlinked. Such actions include interventions on the ground and humanitarian programmes of both a preventive and a remedial nature, as well as monitoring and reporting, and capacity-building with the relevant authorities.

53. UNMIS has made progress in enhancing its civilian monitoring and protection activities in accordance with paragraph 17 of resolution 1590 (2005). In coordination with the Protection Working Group in Darfur, the human rights and civil affairs sections have undertaken joint missions with AMIS, the Office for the Coordination of Humanitarian Affairs, IOM and other humanitarian actors to villages and towns across Darfur to promote protection of civilians in their own villages. During the missions, civilians were made aware of their rights, and were advised on how to approach humanitarian organizations for support and help on how to follow up their cases with the local authorities. The teams also held discussions with local religious and tribal leaders to enlist their support for the protection of civilians, and raised with local authorities issues related to extortion and protection money paid by civilians to armed militia.

54. Demographic mobility has increased since the conclusion of the Comprehensive Peace Agreement. Displaced populations are more vulnerable to pressures to return. Of particular concern is the practice of induced or forced relocations of displaced populations in camps in Darfur as well as those around Khartoum. Additional efforts must be made to guarantee that internally displaced persons decide freely, on the basis of good information, and under conditions of dignity and safety, if and when to return to their home areas.

55. Contrary to previous commitments made by the Governor of Khartoum State, there have been new forced relocations of internally displaced persons and squatters in settlements around Khartoum. Thousands of people have been forcibly moved to sites in desert areas tens of kilometres outside Khartoum where there are no, or wholly insufficient, life-sustaining services. These relocations, and the violence accompanying them, increase tensions in the greater Khartoum area, violate the right of the displaced to return voluntarily, and in dignity and safety, and also have the potential to undermine the transition towards peace and stability in the whole country. I urge the Government to cease all forced locations, and I urge the parties to unite in their efforts to address both the security and the protection dimensions of this potentially destabilizing problem.

56. Even when spontaneous returns are undertaken on a voluntary basis, the perils en route cannot be underestimated. There are still many insecure areas where returnees suffer from looting and extortion by militia forces. Material conditions are also precarious — particularly in the three conflict areas — exposing returnee families to the risk of separation, and returnee children and mothers to the risks of exploitation and abuses en route. The United Nations has established an inter-agency framework on the protection of returnees to set clear protection standards and provide training and guidance to field staff that will support returnees on their way home. Careful monitoring will also be necessary in the areas of return to ensure that those who have chosen to return spontaneously will not be discriminated against and will receive equal and adequate access to resources.

Human rights

57. Further to paragraph 4 (a) (ix) of resolution 1590 (2005), UNMIS continued to carry out human rights promotion and monitoring activities. In Darfur, human rights officers conducted systematic monitoring of the human rights situation, including monitoring of camps of internally displaced persons, returnees, and the work of the national special court on the events in Darfur. UNMIS has also been assessing the

human rights situation in Khartoum in the context of the forced relocation of internally displaced persons as well as allegations of human rights violations during the violence following Mr. Garang's death.

58. In cooperation with the Office of the United Nations High Commissioner for Human Rights, UNMIS initiated a technical cooperation programme to support the implementation of the human rights elements of the Comprehensive Peace Agreement. The programme will include the following: support for the establishment of the independent National Human Rights Commission; human rights training and capacity- and institution-building; and human rights advisory services for civil society, the Government, the legal profession and the judiciary throughout the country. The programme will be developed in consultation with all relevant partners in the coming months. UNMIS is holding a set of round-table discussions for civil society in Khartoum and Juba on the human rights provisions of the Comprehensive Peace Agreement.

59. UNMIS is proceeding with the deployment of additional human rights officers in Darfur, in the three conflict areas, and in southern Sudan. There are currently 49 international human rights officers, including 17 international United Nations Volunteers, deployed in Darfur working in teams on monitoring and protection issues. There are also three human rights officers in Juba, Kadugli and Abyei. Additional deployments continue. In the meantime, Khartoum-based human rights officers have also conducted a number of missions to the south, the three transitional areas, and the east.

60. UNMIS will also support the newly appointed Special Rapporteur on the situation of human rights in the Sudan, whose mandate was established by the Commission on Human Rights in its resolution 2005/82 of 21 April 2005.

Rule of law

61. Implementation of the Comprehensive Peace Agreement in the rule of law sector is progressing since the adoption of the Interim National Constitution on 9 July. The national judiciary has endorsed a major capacity-building programme which aims to promote the independence of the judiciary and will be implemented by UNDP and the International Development Law Organization. UNDP has been working closely with the Ministry of Justice and is commencing capacity-building in the Legal Aid Department of the Ministry of Justice.

62. Agreement between the donor group led jointly by UNDP and the United Kingdom Department for International Development and the Joint National Transition Team has also been reached on the establishment of a set of commission preparation teams. The final establishment of the teams is expected once the Government of National Unity has been established.

63. In southern Sudan, initial capacity-building of basic rule of law institutions has commenced according to paragraph 4 (a) (vii) and (viii) of resolution 1590 (2005), in which the Council inter alia requested UNMIS to assist the parties to develop and consolidate a national legal framework. The legal and judiciary branches of the SPLM interim authority have endorsed a major UNDP capacity-building project, which aims to provide the basic operational structures and policy framework for the rule of law institutions.

64. The UNMIS rule of law unit now has an Officer-in-Charge and the recruitment of core unit posts is proceeding. UNDP international rule of law programme officers are present in the south, Darfur, and the three conflict areas, and are being deployed to the east. These officers have initiated State- and local-level programmes to raise awareness of international and domestic law, build capacity in local courts and prisons, and among law enforcement and legal professionals and community representatives. In Darfur, UNDP has established legal aid centres in all three States while the UNDP/International Rescue Committee rule of law awareness-raising programme has reached over 5,000 legal and law enforcement professionals.

Mine action

65. Although demining activities were severely hampered by the rainy season, humanitarian mine action was carried out in the Nuba Mountains, Rumbek, Yei, Kapoeta and El Fasher. Immediate expansion of survey, clearance and mine risk education capacities is vital to allow the local population to resume their economic activities, to facilitate the sustainable return of internally displaced persons and refugees and to enable humanitarian aid agencies to operate without the threat of mines and explosive remnants of war.

66. United Nations mine action also focused on the verification and clearance of the Juba-Yei corridor to resume the vital supply of food into Juba by road. The initial plan to open this essential corridor by 9 July was delayed until the end of September because of technical complications, weather conditions and lack of information from the military forces of the two parties. To ensure timely and successful progress in mine action, I call on both parties to provide all necessary minefield information to the United Nations and to facilitate cross-line demining, in accordance with the Comprehensive Peace Agreement.

67. The United Nations Mine Action Office will ensure that all mine action activities in the Sudan are carried out to international mine action standards, corresponding to the humanitarian demining assistance stipulated in paragraph 4 (c) of resolution 1590 (2005). Troop-contributing countries have been requested to ensure that their demining contingents comply with these standards. In addition to general coordination between the UNMIS military component, United Nations agencies and national and local authorities, the United Nations Mine Action Office, in cooperation with UNDP, facilitated dialogue between the two national mine action authorities to ensure continuation of the integrated and unified mine action programme in the Sudan and long-term capacity-building.

Gender

68. UNMIS has taken a number of measures with respect to paragraphs 14 and 15 of resolution 1590 (2005) and resolution 1325 (2000) on women, peace and security. The Mission has distributed several thousand copies of resolution 1325 (2000) and initiated training programmes on gender and gender-based violence for UNMIS staff in the field and representatives from the Sudanese Ministries of Defence, Education and Health, United Nations agencies and community leaders of the internally displaced. UNMIS has provided induction training to 450 United Nations civilian, police and military personnel on gender concepts.

69. UNMIS is taking steps to expand partnerships with governmental and non-governmental organizations in the Sudan to promote gender mainstreaming in all

aspects of the transitional process and, in this regard, is planning a workshop on engendering the peace process after the Comprehensive Peace Agreement and the special needs of women in the disarmament, demobilization and reintegration process, as outlined in paragraph 4 (a) (iv) of resolution 1590 (2005). In the area of women and peace, UNMIS has initiated discussions with several academic institutions, peace centres, non-governmental organizations, and United Nations agencies on the implementation of resolution 1325 (2000). In Darfur, UNMIS plans to train a first group of 50 young women as agents of peace in collaboration with the Peace, Development, and Human Rights Centre of El Fasher University.

HIV/AIDS

70. The UNMIS HIV/AIDS Unit continued an induction programme for all UNMIS personnel and, in close collaboration with UNAIDS, launched its peer education programme in Kassala, eastern Sudan, to support positive behaviour change and create a sustainable awareness capacity within peacekeeping contingents. The programme trained 29 peer educators, the majority drawn from the Nepalese contingent (the first complete contingent to deploy to UNMIS), and also included participants from the United Nations country team, internally displaced persons, non-governmental organizations and officials from the Ministries of Defence, Health and Education. A regional HIV/AIDS committee was formed in Kassala for collaboration, synergy and to monitor and evaluate plans of action among stakeholders in the region.

71. In collaboration with UNFPA, a second peer education programme for 33 trainees was held in Darfur, specifically to support national HIV/AIDS initiatives. Participants included AMIS, the Sudanese Council of Churches, officials from key Ministries — demonstrating high-level political commitment to the HIV/AIDS awareness campaign — non-governmental organizations, and United Nations partners. A joint UNFPA/UNICEF/AMIS regional HIV/AIDS committee was formed in Darfur to oversee, monitor and evaluate the implementation of plans of action. The success of peer education as both a cost-effective and personalized approach has been demonstrated in other missions, and UNMIS is building on such UNAIDS-identified best practices.

Conduct and discipline unit

72. An assessment of code of conduct risk factors has been prepared with a plan of action for the UNMIS conduct and discipline unit. Recruitment for the unit is under way. It will be established under the office of the Chief of Staff and will function in accordance with standard Department of Peacekeeping Operations guidance and local risk factors.

Millennium Development Goals

73. On 4 September, the caretaker Government of the Sudan and UNDP released the interim Sudan progress report for 2004 on the Millennium Development Goals. The interim document will be updated when more reliable statistics and data are available for the country as a whole.

Support from donors

74. The workplan for the Sudan 2005 was revised in June and now amounts to total requirements of US$ 1.96 billion. With less than four months remaining, the workplan is currently funded at only 47.5 per cent. Assistance programmes in Darfur have received 60 per cent funding, in southern Sudan 42 per cent, and in eastern Sudan and the transitional areas 22 per cent. While there are shortfalls in all sectors, the following have received less than 20 per cent of the required funding: rule of law and governance (4 per cent); cross-sector support to return and reintegration (10 per cent); protection (14 per cent); shelter and non-food items (16 per cent); and education (17 per cent). With the rainy season coming to an end, hundreds of thousands of refugees and internally displaced persons are expected to return in the weeks and months ahead — to some of the most impoverished areas in Africa. They and their host communities need urgent assistance, as do the millions of Sudanese who remain displaced. Billions were pledged more than six months ago at the Oslo donor conference, and the four largest donors — the United States, the United Kingdom, the European Community and the Netherlands — still account for close to 80 per cent of funding received to date. I again urge all donors to convert pledges already made without further delay, and to commit additional resources needed to meet the outstanding requirements for 2005.

Civilian staffing

75. As at 4 September 2005, the Mission had on board 471 international staff, 67 of whom are on temporary duty, 677 national staff and 53 United Nations Volunteers. The Mission also has under recruitment 75 international staff, 81 national staff and 25 United Nations Volunteers. Efforts to recruit national staff for posts located in southern Sudan have been difficult. Owing to the protracted civil war, a dearth of economic development, and the absence of vocational schooling in southern Sudan, there is a critical shortage of skilled labour, especially in the construction, building, automotive and communications trades. Moreover, the return of southerners from other parts of the Sudan will be slow and attempts to attract members of the Sudanese diaspora have not met with success. In order to address this problem the Mission is pursuing a two-pronged approach. It is temporarily filling the gaps in its occupational groups with additional international staff on short-term assignments while it simultaneously attempts to implement a vocational training programme designed to develop a pool of suitable apprentices from among the ex-combatants.

Financial aspects

76. The General Assembly, by resolution 59/292 of 21 April 2005, authorized a total amount not exceeding $595.5 million for the initial establishment of UNMIS, comprising, for the period from 1 July 2004 to 30 June 2005, the amount of $279.5 million, inclusive of the amount of $100 million authorized by the Advisory Committee on Administrative and Budgetary Questions, and, for the period from 1 July to 31 October 2005, the amount of $316 million. Pursuant to Security Council resolution 1590 (2005), a budget that combines two consecutive financial periods — from 1 July 2004 to 30 June 2005 and from 1 July 2005 to 30 June 2006 — has been prepared and submitted to the Assembly for its consideration during its sixtieth session. The budget is inclusive of the amount of $222 million for the period from

1 July 2004 to 30 June 2005 and $1,017.6 million for the period from 1 July 2005 to 30 June 2006.

77. As at 31 August 2005, unpaid assessed contributions to the special account for UNMIS amounted to $156.5 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,196 million.

IV. Observations

78. While there have been some delays in the implementation schedule of the Comprehensive Peace Agreement, much has been achieved since it was signed on 9 January and the subsequent establishment of UNMIS, pursuant to resolution 1590 (2005). Despite the complications and challenges described in this report, the implementation of the Comprehensive Peace Agreement, and the Mission's mandated support to the parties, are largely on track. So far, the process has been moving slowly but steadily forward.

79. The death of First Vice-President Garang dealt a cruel blow to all the people of the Sudan, in particular the southern Sudanese people. I deeply regret his death, as well as the deaths of those accompanying him on the helicopter. I also regret and deplore the loss of life that occurred during the riots in the ensuing days. However, it was gratifying that the parties' reaction to the loss of Mr. Garang revealed a remarkable capacity to recover from such a setback and a determination to stay the course of the peace process. I was particularly struck by the manner in which SPLM leaders showed both poise and statesmanship in their hour of grief. The words and actions of both President Bashir and the new SPLM Chairman, Salva Kiir, in the days after the death of Mr. Garang proved that the peace process is strong and can survive the passing of one of its key architects.

80. Delays in the deployment of UNMIS are due to a combination of daunting administrative and logistical problems, both on the ground in the Sudan and for the troop-contributing countries as they make preparations to deploy. I appeal to those countries that have offered military personnel and equipment to the Sudan to do all they can to ensure timely deployment. The lack of a status-of-forces agreement is another issue negatively affecting deployment, and I wish to reiterate the urgent need for this important document to be signed quickly, as requested in resolution 1590 (2005).

81. With regard to the future of the peace process, as noted earlier in this report, there have been both positive momentum and some concerns over the reporting period. While much progress has been made towards the creation of institutions in accordance with the Comprehensive Peace Agreement, the formation of the Government of National Unity has encountered some problems. It is essential that Government positions be swiftly agreed upon and that the remaining commissions and other bodies anticipated under the Comprehensive Peace Agreement be established as soon as possible so as to allow the parties to focus on the priorities they have set for the interim period.

82. The Comprehensive Peace Agreement anticipated two key transitional institutions that offer the best opportunity for the international community to provide its full support to the peace process. One of these critical institutions, namely the Ceasefire Political Commission, has now been established. The

Assessment and Evaluation Commission, however, has yet to be created. These institutions would provide the international community the best opportunity to assist the parties and help to overcome implementation gaps before they threaten the process as a whole.

83. It is heartening that the ceasefire is holding and that the parties are moving ahead with those activities mandated in the Comprehensive Peace Agreement involving their military forces and "other armed groups". I call on the parties to submit to the Ceasefire Joint Military Committee detailed lists of the size and location of all their forces, and to ensure that timely notification of troop dispositions and redeployments is submitted through the appropriate mechanisms. Separately, the parties must now commit liaison officers to the area joint military committees as an urgent priority, so that the Mission's monitoring activities can move forward. Equally important, the formation of joint integrated units must begin in earnest, a process that can progress only after the Joint Defence Board is in place.

84. The recent violence in Khartoum and Juba undoubtedly strained intercommunal relations in those two cities. The mainly southern internally displaced persons living in squatter areas and camps around Khartoum are still subject to forced relocations by the authorities, who often conduct violent search operations. This uneasy situation threatens the peace. All relocations must take place in accordance with international humanitarian standards. Community, civic and religious leaders also have an important role to play in this regard and, in a broader context, I urge them to facilitate and engage in a process of reconciliation.

85. The situation in Abyei remains unsettled following the Abyei Boundaries Commission's report. There are indications that the parties disagree on the scope of the mandate of the Commission and its conclusions and recommendations. While the communities directly affected by the report's conclusion have done their best to contain a difficult situation, national politics seem to have intruded and contributed to a hardening of positions as well as heightened tension. UNMIS remains in contact with the parties involved, and is taking steps to defuse the situation. I urge the new collective Presidency to take the necessary decisions to help bring stability and peace to the area.

86. In the east, the Government and the Eastern Front should be credited for their willingness to engage in direct talks with each other. However, it is taking them longer to begin face-to-face talks and UNMIS is consulting with the two parties to help expedite the process. As this report was being finalized, the Eastern Front agreed in principle to grant access for the United Nations to undertake a security and humanitarian needs assessment in the area of Hameshkoreb. To that end, the Front has agreed to discuss with UNMIS the specific details of the assessment and access. Since the humanitarian situation in that area is deteriorating day by day, it is imperative that the Eastern Front follow through and allow the United Nations to conduct a humanitarian assessment of the area.

87. In Darfur, as I mentioned in my report of 11 August 2005 (S/2005/523), the security situation has improved somewhat, as has humanitarian access. However, continuing threats to humanitarian operations, violence against civilians, violations of human rights and little progress at the political level demand action by the parties and the international community. I appeal to all parties and partners involved in the talks in Abuja and on the ground in Darfur to work to radically improve the

prevailing conditions. This includes continued and unequivocal support to the African Union Mission in the Sudan.

88. SPLM/A is facing tremendous challenges in establishing the Government of Southern Sudan. UNMIS has responded to requests for logistic and material assistance to the maximum extent possible within existing capacities. However, the Mission will find it increasingly difficult to continue rendering assistance without compromising the support needs of other logistically demanding, mandated tasks. I call on the international community to acknowledge the scale of the immense challenge faced by the Government of Southern Sudan and to provide support commensurate with the importance of its emerging institutions, which are essential to the consolidation of peace in the Sudan.

89. The role of international partners and donors will remain critical for peace implementation throughout the long interim period. That role will never be more important than at the present time, given the challenges faced by the embryonic administration in southern Sudan, as well as the wider need to address key areas of countrywide security sector reform; disarmament, demobilization and reintegration of combatants; and assistance to the huge number of returnees who have started their difficult journeys home. The need for donor coordination is crucial, as will be the need for some countries to come forward and take the lead on some of these critically important issues.

90. In my previous reports on the Sudan I consistently voiced the daunting challenges involved in implementing the Comprehensive Peace Agreement. As UNMIS completes its first six months, these challenges are proving to be every bit as difficult as expected. I would like to thank my Special Representative for his tireless efforts, as well as all United Nations staff involved in working to help bring peace to all quarters of the Sudan. I would like to recommend that the Security Council renew the mandate of UNMIS for 12 months, until 24 September 2006.

Annex

United Nations Mission in the Sudan: military and civilian police strength

as at 5 September 2005

	Military component								*Civilian police component*	
	Observers		*Troops*		*Staff officers*		*Total*			
Country	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*M*
Argentina										
Australia		6			1	2	1	8		
Austria						5	0	5		
Bangladesh		13		672		20	0	705	2	
Benin		4					0	4		
Brazil		7					0	7		
Cambodia		4					0	4		
Canada						10	0	10		
China						7	0	7		
Croatia						3	0	3		
Denmark			3	28		10	3	38		
Egypt		2		160		11	0	173		
El Salvador		5					0	5		
Fiji		2					0	2		
Finland						3	0	3		
Ghana									2	
Germany		2		3		2	0	7		
Greece						2	0	2		
Guatemala		6					0	6		
India		5		571		14	0	590	1	
Indonesia		4					0	4		
Italy				213		2	0	215		
Jamaica										
Jordan		3				4	0	7		
Kenya						3	0	3		
Kyrgyzstan		5					0	5		
Malawi		6					0	6		
Malaysia						3	0	3		
Mongolia		2					0	2		
Mozambique		1					0	1		
Namibia		2					0	2		
Nepal				223		5	0	228	1	

Country	Military component								Civilian police component	
	Observers		Troops		Staff officers		Total			
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Nigeria		10					0	10		2
Norway	1	5	1	8		7	2	20		2
Pakistan		8		129		10	0	147		
Paraguay		6					0	6		
Peru		8					0	8		
Philippines							0	0		6
Poland						2	0	2		
Republic of Moldova		1					0	1		
Romania						4	0	4		
Russian Federation		5					0	5		7
Rwanda		6					0	6		
Sri Lanka							0	0		6
Spain						3	0	3		
Sweden						7	0	7		3
Switzerland						1	0	1		
Turkey						3	0	3		4
Uganda		4					0	4		1
United Republic of Tanzania							0	0		1
United Kingdom						3	0	3		1
United States of America									1	
Zambia		8				3	0	11		
Zimbabwe		4				3	0	7	2	6
Total per gender	**1**	**144**	**4**	**2 007**	**1**	**152**	**6**	**2 303**	**9**	**77**
Total	**145**		**2 011**		**153**		**2 309**		**86**	

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